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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,330	03/06/2001	Dwayne Dames	6169-143	2967

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,330

Applicant(s)

DAMES ET AL.

Examiner

Joshua D Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Request for Continued Examination filed on 05/05/2005.
2. Claims 1-32 are pending in this case. Claims 1, 13, 14, and 22 are independent claims. Claims 1, 3, 4, 8-11, 22-24, and 28-31 have been amended.
3. The rejection of claims 1-5, 8-25, and 28-32 under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (hereinafter Saito, US Patent Application Publication Number 2001/0042083, filed on August 13, 1998) in view of Silva et al. (hereinafter Silva, US Patent Application Publication, US filing date of September 1, 2000) has been withdrawn due to amendments.
4. The rejection of Claims 6, 7, 26, and 27 under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (hereinafter Saito, US Patent Application Publication Number 2001/0042083, filed on August 13, 1998) in view of Silva et al. (hereinafter Silva, US Patent Application Publication, US filing date of September 1, 2000) as applied to claims 1 and 22 above, and further in view of Khandekar (US Patent Number 6,732,102, filed on November 16, 2000) has been withdrawn due to amendments.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-5, 8-25, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (hereinafter Saito, US Patent Application Publication Number 2001/0042083, filed on August 13, 1998) in view of Guck (US Patent Number 5,911,776, issued June 15, 1999).

Regarding independent claim 1, Saito discloses a method in which a template is identified which corresponds to a specified document in which the document includes formatted content (page 3, paragraphs 0042-0045 of Saito). The template is applied to the document and an application extracts data from the formatted content and formats the data based upon the template in which the formatting produces a second document (page 3, paragraphs 0042-0045 of Saito). Saito does not disclose a method in which the template corresponds to a specific markup language and the second document is this formatted into the markup language. However, Guck discloses a method in which a

template (shadow file) corresponds to a document and a specific document format that includes markup languages, and when a document is requested by format the template is used to format the content of the original document into the specific markup language (SGML, XML, HTML, etc.) (column 4, line 40-column 5, line 24 and Figure 8 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Guck because it would have allowed for formats to be specified based on the device or program used to access the data, thus it would have made the content available to a larger audience.

Regarding dependent claim 2, Saito discloses a method in which the data is unformatted data (page 3, paragraphs 0041-0042 of Saito).

Regarding dependent claim 3, Saito does not disclose a method in which the document is a web page accessed using HTTP with a location specified by a URL. However, Guck discloses a method in which the document requested is a web page accessed using HTTP from a location specified by a URL (column 10, lines 7-46 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of Saito with the method of Guck because web pages, HTTP, and URLs would have provided a simple way for remote users to access documents.

Regarding dependent claim 4, Saito discloses a method in which the document is conveyed and presented through a user interface to a client (page 3, paragraph 0039 of Saito).

Regarding dependent claim 5, Saito does not disclose a method in which the interface is a speech interface. However, Guck discloses a method in which the newly formatted document is converted into an audio format for IVR systems and sent to a speech interface (column 4, lines 17-38 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Guck because it would have allowed for formats to be specified based on the format that a user had the ability to access, thus it would have made the content available to a larger audience.

Regarding dependent claims 8-9, Saito discloses a method in which the formatted content is in HTML (page 3, paragraphs 0042-0045 of Saito).

Regarding dependent claims 10-11, Saito does not disclose a method in which the second document is formatted in VoiceXML. However, Guck discloses a method in which the newly formatted document is converted into an audio format for IVR systems and sent to a speech interface (column 4, lines 17-38 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Guck because it would have allowed for formats to be specified based on the format that a user had the ability to access, thus it would have made the content available to a larger audience.

Guck does not disclose that the format used is specifically VoiceXML, however as stated in the applicant's own specification (page 3, line 12-page 4, line 12 of Applicant's specification) VoiceXML was a well-known an audio presentation language used to transcode HTML documents into audio format. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to have used VoiceXML when converting HTML documents of Guck into IVR audio document because it would have provided a simple way of converting the documents without having to reformat the content.

Regarding dependent claim 12, Saito discloses a method in which the second document and the specified document are of a different modality (page 3, paragraphs 0042-0045 of Saito).

Regarding independent claim 13, Saito discloses a method in which formatted content is located in a document (page 1, paragraph 0002 and page 5, paragraph 0050 of Saito). Saito discloses that a template is constructed corresponding to the data location corresponding to a content marker in which the template corresponds to the document (page 1, paragraph 0002, page 3, paragraphs 0042-0045, and page 5, paragraph 0050 of Saito). Saito also discloses that the templates are mapped to their corresponding document using a table (Figure 5 and page 3, paragraph 0043 of Saito). Saito does not disclose a method in which the template corresponds to a specific markup language and the second document is this formatted into the markup language different than the original. However, Guck discloses a method in which a template (shadow file) corresponds to a document and a specific document format that includes markup languages, and when a document is requested by format the template is used to format the content of the original document into the specific markup language (SGML, XML, HTML, etc.) (column 4, line 40-column 5, line 24 and Figure 8 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have combined the methods of Saito and Guck because it would have allowed for formats to be specified based on the device or program used to access the data, thus it would have made the content available to a larger audience.

Regarding independent claim 14, Saito discloses a method in which templates exist for extracting formatted content from corresponding documents and a table is used to associate the templates with the corresponding documents (Figure 5 and page 3, paragraph 0043 of Saito). Saito does not directly disclose a buffer for receiving documents or a formatter for formatting the data using the target markup language. . However, Guck discloses a method in which a template (shadow file) corresponds to a document and a specific document format that includes markup languages, and when a document is requested by format the template is used to format the content of the original document into the specific markup language (SGML, XML, HTML, etc.) (column 4, line 40-column 5, line 24 and Figure 8 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Guck because it would have allowed for formats to be specified based on the device or program used to access the data, thus it would have made the content available to a larger audience.

Regarding dependent claims 15 and 16, Saito discloses a method in which templates have a content marker for locating data in which the content marker has an identifier for identifying data within the formatted content (page 1, paragraph 0002 and page 5, paragraph 0050 of Saito).

Regarding dependent claims 17 and 18, Saito discloses a method in which the formatted content is in HTML (page 3, paragraphs 0042-0045 of Saito).

Regarding dependent claim 19 and 20, Saito does not disclose a method in which the second document is formatted in VoiceXML. Saito does not disclose a method in which the second document is formatted in VoiceXML. However, Guck discloses a method in which the newly formatted document is converted into an audio format for IVR systems and sent to a speech interface (column 4, lines 17-38 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Guck because it would have allowed for formats to be specified based on the format that a user had the ability to access, thus it would have made the content available to a larger audience.

Guck does not disclose that the format used is specifically VoiceXML, however as stated in the applicant's own specification (page 3, line 12-page 4, line 12 of Applicant's specification) VoiceXML was a well-known audio presentation language used to transcode HTML documents into audio format. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used VoiceXML when converting HTML documents of Guck into IVR audio document because it would have provided a simple way of converting the documents without having to reformat the content.

Regarding dependent claim 21, Saito discloses a method in which the second document and the specified document are of a different modality (page 3, paragraphs 0042-0045 of Saito).

Regarding independent claim 22 and dependent claims 23-25, and 28-32,
the claims incorporate substantially similar subject matter as claims 1, 3-5, and 8-12.
Thus, the claims are rejected along the same rationale as claims 1, 3-5, and 8-12.

8. Claims 6, 7, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (hereinafter Saito, US Patent Application Publication Number 2001/0042083, filed on August 13, 1998) in view of Guck (US Patent Number 5,911,776, issued June 15, 1999) as applied to claims 1 and 22 above, and further in view of Khandekar (US Patent Number 6,732,102, filed on November 16, 2000).

Regarding dependent claims 6, 7, 26, and 27, Saito discloses a method in which templates have a content marker for locating data in which the content marker has an identifier for identifying data within the formatted content (page 1, paragraph 0002 and page 5, paragraph 0050 of Saito). Neither Saito nor Guck discloses a method in which the marker identifies an offset for determining content. However, Khandekar discloses a method in which a marker identifies an offset to be used to obtain the necessary content from a document (column 3, lines 12-42 of Khandekar). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito, Guck, and Khandekar because it would have provided a way to mark the wanted content for future use.

Response to Arguments

9. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

10. The affidavit/declaration presents the necessary information to overcome the rejection. However, the affidavit/declaration must be signed by all inventors listed on the application, it was not. In the hopes of furthering prosecution the examiner found new art that falls before the date of conception shown by the affidavit, however the affidavit as it stands is insufficient to prove that date of conception until the signatures of all inventors are received. Thus, proper correction of the affidavit is required for future prosecution but the benefit of the doubt has been given to the applicant at this time and art has been found that can be used whether or not the affidavit is proper.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 6,477,565

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
June 30, 2005

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
7/1/2005